

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHERRY BECK, ) Case No.: 1:20-cv-00760-SAB (PC)  
Plaintiff, )  
v. ) ORDER DIRECTING CLERK OF COURT TO  
M. PALLARES, et.al., ) RANDOMLY ASSIGN A DISTRICT JUDGE TO  
Defendants. ) THIS ACTION  
 ) FINDINGS AND RECOMMENDATION  
 ) RECOMMENDING DISMISSAL OF ACTION  
 ) FOR FAILURE TO COMPLY WITH A COURT  
 ) ORDER AND FAILURE TO PROSECUTE  
 )  
 ) (ECF Nos. 5, 6)

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Plaintiff Sherry Beck is appearing *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff filed the instant action on June 1, 2020. On June 2, 2020, the Court directed Plaintiff to submit a signed application to proceed in forma pauperis or pay the \$400.00 filing fee within thirty days. (ECF No. 5.) Plaintiff failed to comply with the Court's order. Therefore, on July 14, 2020, the Court ordered Plaintiff to show cause within fourteen days why the action should not be dismissed. (ECF No. 6.) Plaintiff has not filed a response to the order to show cause and the time to do so has expired. Plaintiff was warned that dismissal would occur if he failed to obey the order.

A civil action may not proceed absent the submission of either the filing fee or a completed application to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915. Based on Plaintiff's failure to comply with the Court's order, dismissal of this action is appropriate. In re Phenylpropanolamine (PPA)

1 Products Liability Litigation, 460 F.3d 1217, 1226 (9th Cir. 2006); Local Rule 110.

2 Accordingly, it is HEREBY ORDERED that the Clerk of Court randomly assign a Fresno  
3 District Judge to this action.

4 Further, it is HEREBY RECOMMENDED that this action be dismissed, without prejudice, for  
5 failure to pay the filing fee or file a completed application to proceed in forma pauperis.

6 This Findings and Recommendation will be submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**  
8 after being served with this Findings and Recommendation, Plaintiff may file written objections with  
9 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
10 Recommendation.” Plaintiff is advised that failure to file objections within the specified time may  
11 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)  
12 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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14 IT IS SO ORDERED.

15 Dated: August 7, 2020



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UNITED STATES MAGISTRATE JUDGE

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